

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Patent Application of Martin Alles and Joseph P. Kennedy

Serial No.: 10/586,744

Art Unit: 2618

Filed: June 23, 2008

Examiner: John J. Lee

Title: SYSTEM AND METHOD FOR IDENTIFYING THE PATH OR DEVICES ON THE
PATH OF A COMMUNICATION SIGNAL USING (1+R(T)) AMPLITUDE
MODULATION

Office of Petitions

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT
BASED ON FAILURE TO RECEIVE OFFICE ACTION
AND IN THE ALTERNATIVE A PETITION TO REVIVE AN ABANDONED
APPLICATION UNDER 37 CFR §1.137(a)**

Sir:

This communication is responsive to the Notice of Abandonment for the subject application mailed August 2, 2010. Applicant hereby petitions the Office to withdraw the holding of abandonment of this application based on failure to receive an Office Action under MPEP §711.03(c) and 37 C.F.R. § 1.181(a). In the alternative, Applicant hereby petitions to revive an abandoned application under 37 CFR §1.137(a).

In brief, while conducting due diligence for the subject application on June 28, 2010, Applicant noted that an Office Action had been mailed on December 22, 2009. During a subsequent teleconference with the Examiner, Applicant informed the Examiner that the Office Action was never received. Applicant then received the Notice of

10/61/December 22, 2009
Sale Ref: 00000006 DAW: 041679 10586744
01 FC:1452 540.00 DA

included recording and docketing office actions possessed sufficient training in the necessary docketing duties.

Applicant thus submits abandonment of the subject application is unwarranted and requests reconsideration and withdrawal thereof. Accordingly, Applicant also respectfully requests the Office reissue the Office Action to the undersigned.

Although it is believed that no fee is due for this Petition, the Office is hereby authorized and requested to charge any fees required for this Petition against Deposit Account No 04-1679.

**PETITION TO REVIVE AN ABANDONED
APPLICATION UNDER 37 CFR §1.137(a)**

In the alternative, the undersigned hereby petitions the Office to revive the abandoned application under 37 CFR §1.137(a).

37 CFR §1.137(a) requires that an adequate showing of the cause of the delay, and that the entire delay in filing the response from the due date thereof until the filing of a grantable petition under 37 CFR §1.137(a) was unavoidable.

As stated above, it appears that the undersigned did not receive the Office Action due to a mistake by the Patent and Trademark Office. Further and as required by the statute, the showing of a business routine for performing the clerical function that may be relied upon to avoid docketing errors and an attestation of the docketing training held by the undersigned's docketing clerk is also discussed above.

Although it is believed that no fee is due for this Petition, the Office is hereby authorized and requested to charge any fees required for this Petition against Deposit Account No 04-1679.

If any point remains that is deemed best resolved through a telephonic conversation, the Office is hereby requested to contact the undersigned directly.

Respectfully submitted,

/Mark C. Comtois

Mark C. Comtois

Reg. No. 46,285

Ryan T. Hardee

Reg. No. 57,515

DUANE MORRIS LLP
505 9th Street N.W., Suite 1000
Washington, D.C. 20004
Telephone: (202) 776-7800
Telecopier: (202) 776-7801
Dated: October 14, 2010
DM22509208.1